

1 Total pages: 2  
2 JAMES E. SALVEN  
3 Chapter 7 Trustee  
4 8427 N. Millbrook Ave., Ste. 101  
5 Fresno, California 93720  
6 (559) 230-1095  
7

8  
9  
10 **IN THE UNITED STATES BANKRUPTCY COURT**  
11 **EASTERN DISTRICT OF CALIFORNIA**  
12

13 In the Matter of

Case No. 09-12698-A-7

DC No. JES-2

14 **DONALD & FRED A GILMORE,**

**TRUSTEE'S MOTION TO SELL  
PROPERTY OUT OF THE  
ORDINARY COURSE OF  
BUSINESS AT PUBLIC AUCTION**

15 Debtor(s). /

Date: March 10, 2010  
Time: 10:00  
Dept: B

16 TO THE HONORABLE WHITNEY RIMEL, UNITED STATES BANKRUPTCY  
17 JUDGE:

18 James Salven respectfully represents:

19 1. He is the duly appointed, qualified and acting trustee of  
20 the above-entitled estate.

21 2. The above-captioned case was filed under Chapter 7 on .

22 3. This Court has jurisdiction over this proceeding by  
23 virtue of 28 U.S.C. §1334(a). This is a "core" proceeding pursuant  
24 to 28 U.S.C. §157(b) (2) (A), (N). This motion is brought pursuant  
25 to 11 U.S.C. §363.

26 4. Among the assets of this estate is a 1994 Freightliner  
27 and a 1991 42' Trailer.

28 5. Trustee wishes to sell the subject assets so that the

1 proceeds can benefit the estate. The Trustee has elected to sell  
2 the assets by means of public auction to be held on or after March  
3 10, 2010. Auction will be held at Baird Auctions and Appraisals  
4 located at 1328 North Sierra Vista, Suite B in Fresno, California.

5 6. Trustee has previously filed an application for authority  
6 to employ said auctioneer.

7 7. Auctioneer routinely holds regularly scheduled, and  
8 advertised, auctions on Tuesday nights. Estate will retain the  
9 right to approve sales price and, if not deemed sufficient, will  
10 withdraw the item and place in a subsequent sale.

11 8. Trustee believes that the such auction is in the best  
12 interest of the creditors.

13 WHEREFORE, the trustee prays that after appropriate  
14 notice and opportunity to be heard, he be authorized to sell the  
15 above-described assets at public auction.

16  
17  
18 DATED: \_\_\_\_\_

2/8/10

19 \_\_\_\_\_  
JAMES E. SALVEN,  
Movant